

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. In April 2010, based on information provided by the Office of Child Support, the Department determined that the petitioner had received child support payments in March totaling \$2,815.53. On April 6, 2010 the Department notified the petitioner that based on this income she would not be eligible for her Food Stamps as of May 1, 2010.

3. The petitioner does not dispute the amounts of child support payments she has received each month. The Department does not dispute that the increased amount of child support the petitioner received in March was based on an intercept of the tax refund due her children's father that OCS applied to his being in arrears on his children's "medical expenses", which he was ordered to pay in addition to child support. The petitioner maintains that she was forced to borrow \$2,500 to cover a medical expense for one of her children when her ex-husband initially failed to pay this expense, and that she applied the additional support she received in March toward this debt. Therefore, the petitioner argues, this amount should not be considered "income" to her and her children for purposes of determining Food Stamp eligibility.

4. The petitioner agrees that the Department correctly reinstated her Food Stamps as of June 1, 2010 based on the "normal" amounts of child support she has received since April 2010. The issue in this case concerns only her eligibility for the month of May 2010 based on the increased amount of child support she received in March. The petitioner does not allege, and there is nothing in the record to indicate, that the petitioner was legally bound or otherwise *required* to apply the additional child support she

received in March toward the debt she had incurred as a result of her ex-husband's previous nonpayment.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations specifically include all child support as "unearned income" in the month it is received. W.A.M. § 273.9(b)(2)(iii). Medical deductions are allowed only for elderly or disabled household members. Id. § 273.9(d)(3). Although it is not unreasonable for the petitioner to consider the excess support she received in March 2010 to have been "earmarked" to repay a medical expense she had incurred for one of her children due to her ex-husband's delinquency, nothing in the Food stamp regulations allows households to make such distinctions regarding income.

Based on the total child support income she received in March 2010 the Department correctly determined that she was not eligible for Food Stamps for May 2010. Procedures Manual § P-2590A. Therefore, inasmuch as the Department's decision in this matter was in accord with the pertinent regulations,

the Board is bound to affirm. 3 V.S.A. § 3091(d), Fair
Hearing Rule 1000.4D.

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